

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD C. HVIZDAK,	)	
Plaintiff,	)	
	)	Civil Action No. 14-406
v.	)	
	)	Magistrate Judge Robert C. Mitchell/
CITIZENS BANK OF PENNSYLVANIA,	)	District Judge Maurice B. Cohill
RBS CITIZENS, NA, CITIZENS	)	
FINANCIAL GROUP, NAS, ROYAL	)	
BANK OF SCOTLAND, SENIOR V.P.	)	
KAREN D. BUDNIAK,	)	
Defendants.	)	

**MEMORANDUM ORDER**

**MAURICE B. COHILL**, United States Senior District Judge.

This action was removed from the Court of Common Pleas of Allegheny County on March 26, 2014. The case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

Defendants filed a motion to dismiss [ECF No. 46] on December 1, 2014. The Magistrate Judge's Report and Recommendation [ECF No. 67] filed May 19, 2015 recommended that Defendant's Motion to Dismiss be granted, and Plaintiff's complaint be dismissed with prejudice. *See* Rep. and Rec. [ECF No. 67] at 1. Service of the Report and Recommendation was made on all parties. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2 they had until June 2, 2015 to file any objections. Plaintiff timely filed objections thereto on May 29, 2015 [ECF No. 68], and an Addendum on June 2, 2015 [ECF No. 69] to which Defendants responded on June 9, 2015 [ECF No. 70]. Plaintiff also filed a Motion to Further

Supplement with Exhibits the Objections to the Report and Recommendation [ECF No. 71], which we hereby GRANT.

We find that Plaintiff's objections are without merit and are overruled. We concur with Magistrate Judge Mitchell that allowing the Plaintiff to amend the complaint would be futile, as he lacks standing. Plaintiff's Amended Complaint [ECF No. 39] will be dismissed with prejudice.

Accordingly, the following Order is hereby entered.

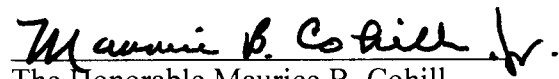
After a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 18<sup>th</sup> day of June, 2015, it is HEREBY ORDERED, ADJUDGED, and DECREED as follows:

Defendants' Motion to Dismiss [ECF No. 46] is GRANTED and Plaintiff's complaint is dismissed with prejudice;

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Robert C. Mitchell [ECF No. 67] is hereby adopted as the Opinion of the District Court and the Clerk is to mark this CASE CLOSED.

By the Court,

  
The Honorable Maurice B. Cohill  
United States Senior District Judge

cc: The Honorable Robert C. Mitchell  
United States District Court  
Western District of Pennsylvania

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